

ORIGINAL

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Attorneys for Applicant AT&T Mobility LLC

**UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK**

In the matter of the Application for the Determination of
 Reasonable License Fees by

AT&T WIRELESS,
 Applicant.

Case No. 09 civ. 7072 (DLC) (MHD)

UNITED STATES OF AMERICA

Plaintiff,

v.

AMERICAN SOCIETY OF COMPOSERS, AUTHORS
 AND PUBLISHERS,
 DEFENDANT.

Related to Case No.
 41 civ. 1395 (DLC) (MHD)

MOTION TO ADMIT JERRE B. SWANN PRO HAC VICE

This Motion for Admission to Practice *Pro Hac Vice* is filed pursuant to Rule 1.3(c) of
 the Local Rules for the United States District Courts for the Southern and Eastern Districts of

698909 & DS SEP - 2009 CL

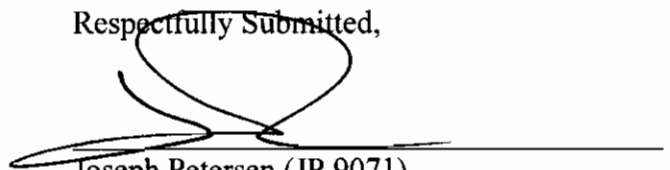
New York. The undersigned counsel, a member of the Bar of this Court, hereby moves this Court for an Order allowing the admission *pro hac vice* of:

JERRE B. SWANN
KILPATRICK STOCKTON LLP
1100 Peachtree Street, Suite 2800
Atlanta, Georgia 30309-4530
Phone: (404) 815-6500
Fax: (404) 815-6555
Email address: JSwann@kilpatrickstockton.com

Jerre B. Swann is a member in good standing of the Bar of the State of Georgia. There are no pending disciplinary proceedings against Jerre B. Swann in any State or Federal court.

DATED: August 28, 2009
New York, New York

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Joseph Petersen', is written over a horizontal line.

Joseph Petersen (JP 9071)
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**DECLARATION OF JOSEPH PETERSEN IN SUPPORT OF MOTION
TO ADMIT JERRE B. SWANN PRO HAC VICE**

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

I, Joseph Petersen, declare under penalty of perjury that the following is true and correct:

1. I am a partner at the law firm of Kilpatrick Stockton LLP, 31 West 52nd Street, New York, New York 10019, counsel for Applicant AT&T Mobility LLC (“AT&T”), in the above captioned action (incorrectly named in the caption as “AT&T Wireless”). I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of AT&T’s motion to admit as counsel *pro hac vice* to represent AT&T.

2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in 1997. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.

3. I have known Jerre B. Swann for four years.

4. Mr. Swann is a partner at the law firm of Kilpatrick Stockton LLP, 1100 Peachtree Street, Suite 2800, Atlanta, Georgia 30309-4530.

5. I have found Mr. Swann to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.


6. Accordingly, I am pleased to move the admission of Jerre B. Swann, *pro hac vice*.

7. I respectfully submit a proposed order granting the admission of Jerre B. Swann, *pro hac vice*, which is attached hereto as Exhibit A.

WHEREFORE it is respectfully requested that the motion to admit Jerre B. Swann, *pro hac vice*, to represent AT&T in the above captioned matter, be granted.

Declared under penalty of perjury this 28th day of August, 2009.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be "Joseph Petersen", is written over a horizontal line. The signature is stylized with a large loop and a long horizontal stroke.

STATE BAR OF GEORGIA



Lawyers Serving the Public and the Justice System

Mr. Jerre Bailey Swann
Kilpatrick Stockton LLP
1100 Peachtree St., N.E., Suite 2800
Atlanta, GA 30309-4530

CURRENT STATUS: Active Member-Good Standing
DATE OF ADMISSION: 09/19/1968
BAR NUMBER: 694050
TODAY'S DATE: August 27, 2009

Listed below are the public disciplinary actions, if any, which have been taken against this member:

State Disciplinary Board Docket #	Supreme Court Docket #	Disposition
N/A	N/A	N/A

The prerequisites for practicing law in the State of Georgia are as follows:

- Must be certified by the Office of Bar Admissions, either by Exam, or on Motion (Reciprocity).
- Sworn in to the Superior Court in Georgia, which is the highest court needed for individuals to practice law in the State of Georgia.
- Enrolled with the State Bar of Georgia, which is an arm of the Supreme Court of Georgia.

Attorneys licensed in Georgia and whose membership is current are eligible to practice law in Superior Court. Attorneys may, upon application, apply for admission to the Supreme, District and State Court of Appeals.

Under the privacy/confidentiality provision of the Bar Rule 4-221(d), any complaint against a member resolved prior to the filing and docketing of a disciplinary case in the Supreme Court is not a matter of public record, and may not be revealed without a waiver from the member. It is the policy of the State Bar of Georgia to answer any inquiry about a member by disclosing only those complaints that have been docketed in the Supreme Court. With respect to matters that are currently pending as active, undocketed cases, when an inquiry is received, the State Bar of Georgia shall not disclose the existence of those complaints. Such non-disclosure should not be construed to confirm the existence of confidential complaints since the vast majority of members in good standing are not the subjects of such confidential complaints.

This member is currently in "good standing" as termed and defined by **State Bar Rule 1-204**. The member is current in license fees and is not suspended or disbarred as of the date of this letter.



STATE BAR OF GEORGIA

Brandy Cleghorn

Official Representative of the State Bar of Georgia

HEADQUARTERS

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 Atlanta, Georgia 30303
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 Tifton, Georgia 31793-1390
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 FAX (229) 382-7435

EXHIBIT A

KILPATRICK STOCKTON LLP

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41 civ. 1395 (DLC) (MHD)

**ORDER FOR ADMISSION *PRO HAC VICE* OF JERRE B. SWANN
ON WRITTEN MOTION**

Upon the motion of Joseph Petersen attorney for Applicant AT&T Mobility LLC, (“AT&T”) (incorrectly named in the caption as “AT&T Wireless”), and said sponsor attorney’s affidavit in support;

IT IS HEREBY ORDERED that:

JERRE B. SWANN
KILPATRICK STOCKTON LLP
1100 Peachtree Street, Suite 2800
Atlanta, Georgia 30309-4530
Phone: (404) 815-6500
Fax: (404) 815-6555
Email address: JSwann@kilpatrickstockton.com

is admitted to practice *pro hac vice* as counsel for AT&T, Applicant, in the above captioned action in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at nys.uscourts.gov. Counsel shall forward the *pro hac vice* fee to the Clerk of the Court.

Dated: August ____, 2009
New York, New York

SO ORDERED,

U.S.D.J.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **MOTION FOR PRO HAC
VICE ADDMISION OF JERRE B. SWANN** was served via first class mail, postage fully pre-
paid upon the following:

David Leichtman, Esq.
Hillel Parness, Esq.
Michael Roffe, Esq.
Lovells, LLP
590 Madison Avenue
New York, NY 10022
Attorneys for Defendant ASCAP

Richard H. Reimer, Esq.
Christina Pepe, Esq.
ASCAP
One Lincoln Plaza
New York, NY 10023

This the 31st day of August 2009.


Alberto Garcia